

REMARKS/ARGUMENTS

In response to the Office Action mailed 6/23/2005, Applicant respectfully traverses the restriction/election requirement as further set forth below. Additionally, a preliminary amendment is hereby submitted adding new claims 20-22.

The subject Office Action alleges that the application contains claims directed to two patentably distinct species of the claimed invention and identifies these two species as follows: Species A – FIG. 3; Species B – FIG. 4. The Office Action alleged that no claims are generic.

As an initial matter, Applicant points out FIGS. 3 and 4 illustrate exemplary, alternative embodiments of invention.

A proper restriction requires that two or more independent and distinct inventions be claimed in the subject application. **35 USC 121**. The Office Action has failed to provide any support for the restriction requirement and has hence failed to provide a prima facie case for restriction. The Office action has failed to provide (1) reasons why the inventions as claimed are distinct and (2) any explanation why the distinct inventions must be restricted (e.g. separate classification, common classification/separate status, or different field of search). **MPEP 808.02**.

Applicant requests prosecution of all claims and alleged species together in the present application. The Allegation that no claims are generic is not supported. At least claims 1, 10-13 and new claim 20 are generic to the alleged species. All claims 1, 10-13 and new claim 20 recite limitations found in all of the alleged species (i.e. are not mutually exclusive). **MPEP 806.04(f)**. Furthermore, all claims are directed toward brake control systems for rake by wire applications having dual fail-silent pair control architecture with the alleged species differing only in the grouping (pairs) of brake control units and the communication mechanism of brake cut-off signals (direct or via bus controllers). This does not suggest an unreasonable burden in search or examination.

Applicant hereby provisionally elects species corresponding to the species group identified as Species A in the Office Action (FIGS. 4). The claims readable thereon include claims 1, 6-13 and 17-21. Also, in the event that Applicant's

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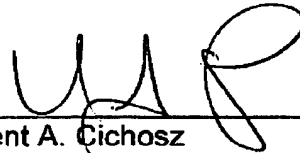
traversal is not accepted, Applicant retains the right to present any non-provisionally elected claims in a divisional application.

Based on the above, it is respectfully submitted that the restriction requirement is improper and Applicant respectfully requests withdrawal thereof and prosecution of all claims 1-22 to proceed on the merits.

If the Examiner has any questions regarding the contents of the present response he may contact Applicants' attorney at the phone number appearing below.

Any fees associated with this response may be charged to General Motors
Deposit Account No. 070960.

Respectfully submitted,



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